

REMARKS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Final Office Action mailed on August 11, 2004. Claims 1-4, 7, and 9-20 are pending in the Application, Claims 1-5, 7, 9-14, and 16-20 stand rejected, and Claim 8 stands objected to as being dependent upon rejected base claims, but would be allowed if rewritten in independent form. Claim 15 has been allowed. The indication of allowable subject matter is noted with appreciation. Claim 1 is amended and Claims 5 and 8 are cancelled without prejudice and disclaimer by the present Amendment.

In view of the allowable subject matter of Claim 8, Claim 1 has been amended to incorporate the subject matter of Claims 5 and 8. Applicants respectfully submit that all pending claims are now in condition for allowance.

Summarizing the outstanding Office Action, Claims 1, 3, 5, 7-9, 16, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Penson (U.S. Patent No. 4,602,742, hereinafter “Penson”). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Penson. Claims 10-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Penson in view of Mueller et al. (U.S. Patent No. 6,209,895). Claims 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Penson in view of Clement (U.S. Patent No. 1,471,548).

Applicants respectfully submit that, in view of the allowable subject matter in Claim 8 and the amendments to Claim 1 herein submitted as explained, the above-summarized rejections are now moot. Their withdrawal is respectfully requested.

Finally, the present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after a Final Rejection permits entry of amendments

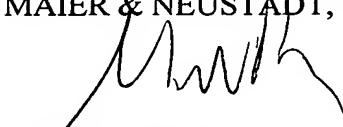
placing the claims in condition for allowance or in better form for consideration on appeal.¹ As the present amendment is believed to overcome the outstanding rejections under 35 U.S.C. §§ 102 and 103, it places the application in condition for allowance. In addition, the present amendment is not believed to raise new issues because it simply amends into Claim 1 the allowable subject matter of Claim 8 and cancels Claims 5 and 8. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-4, 7, and 9-20 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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¹ See, for example, MPEP §714.12.